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Attorneys for Defendants

Homestore, Inc., The National Association of Realtors
and The National Association of Home Builders of the
United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KEVIN L. KEITHLEY and TREN
TECHNOLOGIES HOLDINGS, LLC,

Plaintiffs,

v.

HOMESTORE.COM, INC., *et al.*,

Defendants.

Case No. C 03-4447 SI

STIPULATION AND [Proposed] ORDER

Whereas Defendants believe themselves to be prevailing parties as that phrase is used in connection with the right to be awarded costs as a result of this Court's Order granting Defendants' Motion for Summary Judgment as to Noninfringement and Invalidity Based on Indefiniteness. [Dkt. 862] ("the Order");

Whereas Defendants are unsure of whether the Order triggered an obligation pursuant to Civil L.R. 54-1(a) to file their bill of costs on or before December 3, 2008;

Whereas Plaintiffs do not object to Defendants filing their bill of costs after judgment issues, however Plaintiffs' lack of objection shall not be interpreted to be a concession that Defendants are prevailing parties as Civil L.R. 54-1 contemplates;

Whereas the Court's calendar currently includes a pre-trial conference in this case for December 16, 2008 at 3:30 P.M, which the parties propose be converted to a Further Case Management Conference allowing the parties and the Court to discuss issues that should be resolved prior to the issuance of judgment.

Therefore pursuant to agreement, the parties stipulate and propose an Order issues as follows:

(1) To the extent any party believes itself to be prevailing party, a bill of costs may be filed within 14 days after judgment issues in this case;

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(2) The currently-calendared Pre-Trial Conference on December 16, 2008 at 3:30 P.M. shall be converted to a Further Case Management Conference.

IT IS SO STIPULATED:

Dated: December 3, 2008.

ALSTON & BIRD, LLP

By: /s/ Bruce J. Rose

BRUCE J. ROSE

Attorney for Defendants Homestore, Inc., the
National Association of Realtors and the National
Association of Home Builders of the United States

Dated: December 3, 2008.

FINNEGAN, HENDERSON, FARABOW,
GARRETT, DUNNER, LLP

By: /s/ Scott R. Mosko

SCOTT. R. MOSKO

Attorney for Plaintiffs Kevin Keithley and Tren
Technologies Holdings, LLC

IT IS SO ORDERED:

DATED: _____



United States District Judge